



AMANDA+LAWRENCE

+ Via ECF+

June 8, 2020

The Honorable Chief Judge John R. Tunheim  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

Re: *In re Cattle Antitrust Litig.*, No. 19-1222; *Peterson, et al. v. JBS USA Food Co. Holdings, et al.*, No. 19-1129

Dear Chief Judge Tunheim:

We write in relation to the above-mentioned matters to request that you strike slides 31, 58-60, 62-64, 68-73, and 76-78 of the Defendants' joint slide pack and slides 10 to 20 of JBS S.A.'s individual slide pack, each of which addresses issues that the parties agreed to submit on the papers.

As referenced on slide two of the Defendants' joint slide pack, on Tuesday June 2, 2020, Ms. Hibbard wrote to the Court to convey the parties' agreement to submit on the papers their arguments in relation to: (1) the application of the Packers & Stockyards Act to *In re Cattle*; (2) the standing of the organizational Plaintiffs in *In re Cattle* to sue for damages; (3) the state-law claims in *Peterson* (except those arguments related to standing and Rule 9(b)); and (4) Defendants' individual motions (except those arguments related to personal jurisdiction and service of JBS S.A.). *See Attachment One.*

After the Court confirmed that it had reserved two and a half hours for argument, Ms. Hibbard wrote to the court again on the morning June 5 confirming the parties' further agreement to submit on the papers the issues relating to the service of JBS S.A., including *Cattle* Plaintiffs' motion for alternative service. *Id.*

Despite this, Defendants submitted to the Court slides addressing these points, thereby advancing over 20 pages of further argument on topics both sides agreed would not be argued. When Plaintiffs asked that Defendants withdraw these slides upon receiving them yesterday afternoon, Defendants refused, noting that while they "agreed to ... submit these

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issues on the papers” the slides would be “helpful in answering” questions the Court may raise in relation to the issues submitted on the papers. *See* Attachment Two.

While the parties must be prepared to address any questions the Court may have in relation to the issues before it, Defendants cannot use this fact to make an end-run around the parties’ agreement to submit certain issues on the papers. Plaintiffs will therefore not address Defendants’ offending slides and respectfully requests the Court to disregard them.

Respectfully submitted,  
SCOTT+SCOTT ATTORNEYS AT LAW LLP

*/s Amanda F. Lawrence*

Amanda F. Lawrence

Enc.